

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CRIMINAL NO. H 92-0200-2
	§	
JOSE VASQUEZ SANCHEZ,	§	
	§	
Defendant.	§	

**ORDER**

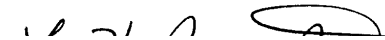
Jose V. Sanchez has filed an emergency motion with this court. Sanchez is about to complete serving a 262 month sentence. He will be released on August 23, 2011. Sanchez asserts that he will then be transferred to Department of Homeland Security (“DHS”) custody to await removal based on his status as an illegal alien. Sanchez has received dialysis treatment since 1994. He is concerned that he will not receive dialysis in DHS custody and that he will be unable to obtain treatment if he is deported. (*Id.*). He asks this court to “order the Bureau of Prisons (FMC Devens) to release him in supervised release or anything this court deems appropriate so he can continue to receive his dialysis treatments and spare his life.” (Docket Entry No. 235).

Sanchez will have a right to constitutionally adequate medical treatment in DHS custody. *Lijadu v. I.N.S.*, Civ. A. No. 06-0518, 2009 WL 508040, at \*4 (W.D. La. Feb. 26, 2009). His motion does not present a basis for this court to enter an order against DHS. And Sanchez does not identify any basis that would permit this court to issue an order halting or delaying removal at this time. Federal law requires Sanchez to challenge removal through the administrative process before the courts intervene. *Hinojosa v. U. S. Dep’t of Justice*, Civ. A. No. H-10-437, 2010 WL 5419046, at

\*4-6 (S.D. Tex. Dec. 23, 2010).

It is appropriate, and this court does, order the Bureau of Prisons to ensure that DHS receives the necessary information to provide prompt and appropriate medical treatment when Sanchez enters DHS detention. The emergency motion is otherwise denied.

SIGNED on August 17, 2011, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge